

Item No.11  
10.05.2023  
Court. No. 19  
GB

WPA 7957 of 2023

Sujata Sardar  
Vs  
The State of West Bengal & Ors.

*Mr. Mukteswar Maity,  
Ms. Nupur Chaudhuri*

*...for the Petitioner.*

*Mr. Jahar Lal De,  
Mr. Rudranil De*

*...for the State.*

The petitioner contends that the respondents had wrongly calculated the percentage of SC population in West Chandaneswar which was the Asha Service Area comprising of Sardar para, Halder para and Biswas para, under Dhosa sub-centre. The percentage of SC population at 45.48% was incorrect and contrary to the Socio Economic and Caste Census prepared by the Ministry of Rural Development, State of West Bengal in respect of Dhosa Chandaneswar gram panchayat, as per the petitioner's allegation.

According to the said document, Chandaneswar had a total population of 3350 and the SC population was 3054. Thus, the SC population within the three 'paras' of West Chandaneswar service area should exceed 45.48 per cent.

Mr. De, learned Additional Government Pleader denies the veracity of the document produced by the petitioner on the ground that the census of 2011 prepared by the Central Government would be the guiding document to arrive at the calculation of the SC population and the

document handed over by the petitioner, should not be relied upon.

Such calculation cannot be made by the writ Court as the authorities who prepared the service area wise reservation and notified the same along with the advertisement dated September 28, 2022 are experts. They are experienced and aware of the procedure to be followed while making such calculation.

However, as the petitioner has submitted a document which shows that SC population in entire Chandaneswar is more than 50 per cent, the Sub-Divisional Officer, Baruipur is directed to consider the exceptions to the report filed in court today as the contention of the petitioner with regard to incorrect calculation of the SC population in West Chandaneswar comprising of Sardar para, Halder para and Biswas para and dispose of the same in accordance with law. The petitioner shall be intimated the modality by which the percentage of SC population in West Chandaneswar (service area) comprising of Sardar para, Halder para and Biswas para had been arrived at i.e. 45.48%. An opportunity of hearing shall be given to the petitioner as also the respondent no.9. A reasoned order shall be passed and communicated to all. Such decision shall be intimated to the petitioner within a period of two months from date of communication of this order. The fact that the petitioner had obtained less marks than the respondent no.9 in the recruitment process, is not in dispute. It is also true that the clause in the advertisement that preference to be given to the SC candidate is not a

mandatory direction and the seat was not reserved for a SC candidate. However, the method of calculation shall be explained to the petitioner.

A copy of the writ petition as also the exceptions shall be served by the upon the Sub-Divisional Officer, Baruipur for necessary action.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**